

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,	:	
	:	FILED UNDER SEAL
Plaintiff,	:	PER 02/09/11 ORDER
	:	
v.	:	Misc. No. 1:11dm00003
	:	(TCB)
JACOB APPELBAUM, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**MEMORANDUM IN SUPPORT OF THE MOTION FOR LEAVE
TO FILE AN *AMICUS* BRIEF IN THIS MATTER**

COMES NOW the INTER-PARLIAMENTARY UNION, by counsel, and for its memorandum in support of its motion for leave to file an *Amicus* brief in this matter it states as follows:

I. Facts

This matter involves the government's intrusion into and inspection of the Twitter accounts of various people as a part of its investigation of alleged wrongdoing. One of the persons whose Twitter account is the subject of the government's curiosity is Birgitta Jonsdottir, a member of the parliament of Iceland (the Althingi).

The INTER-PARLIAMENTARY UNION is an international organization with a membership made up of 155 sovereign nation parliaments and 9 regional parliamentary assemblies. The purpose of the INTER-PARLIAMENTARY UNION is, in part, to examine and attempt to resolve human rights violations to or imposed upon members of parliaments world-wide.

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Pursuant to that mandate, the INTER-PARLIAMENTARY UNION was advised of the matters giving rise to this case, and of the actions of the government of the United States of America in seeking the contents of Mrs. Jonsdottir's Twitter account. After considering the matter, the INTER-PARLIAMENTARY UNION, through its Committee on the Human Rights of Parliamentarians, issued a Confidential Decision (copy attached hereto as Exhibit A). Subsequently, the INTER-PARLIAMENTARY UNION directed its Secretary General to prepare and submit a Memorandum to this Court for its use in considering the matter before it. That Memorandum is attached hereto as Exhibit B, and is the proposed *Amicus* brief the INTER-PARLIAMENTARY UNION seeks leave to submit herein.

II. Law

Even though there is no law or rule specifically authorizing this Court to permit the filing of an *Amicus* brief for its assistance in considering a case or controversy, there is precedent (at least from the Middle District of Pennsylvania) for the use of *Amicus* briefs. *See, Waste Mgmt., Inc. v. City of York*, 162 FRD 34, 36 (M.D. Pa. 1995); *see also, Pennsylvania Environmental Defense Foundation v. Bellefonte Borough*, 718 F. Supp. 431, 434-35 (M.D. Pa. 1989). Such authorization also exists for cases before the Supreme Court of the United States (*see*, Rule 37 of the Rules of the Supreme Court) and for cases before United States Courts of Appeal (*see*, Rule 29 of the Federal Rules of Appellate Procedure). In addition, there is no law or rule denying this Court the ability to permit the filing of such a document.

III. Argument

Mrs. Jonsdottir's Twitter account is a matter not only of her individual concern, and therefore of concern to this Court, but is also representative of all of the similar accounts, and sources of information, associated with or owned by members of parliaments world-wide. Therefore, any abuse of Mrs. Jonsdottir's civil rights represents the systemic abuse of the civil rights of all parliamentarians, and an attack on the sovereign governments of nations around the globe. The concepts addressed in Exhibit B compliment the issues raised in Mrs. Jonsdottir's pleadings, and the consideration of Exhibit B should assist this Court in arriving at its rulings in this case, since they provide a different, but eminently valid, perspective on those issues.

After reviewing Exhibits A and B, this Court should grant the motion to permit the filing of the *Amicus* brief, thus expanding the input available to assist the Court in its decision-making process. Any potentially helpful information should be considered in reviewing issues of this import.

In order to fully address the concerns that Mrs. Jonsdottir has raised, in the context of her status as a parliamentarian, this Court should look at the government's actions not just in the partial vacuum of Mrs. Jonsdottir status as an individual, but also in her capacity as a representative member of the government of Iceland. Such consideration must be given, or at least contemplated, by reviewing the exhibits attached hereto, as an *Amicus* brief.

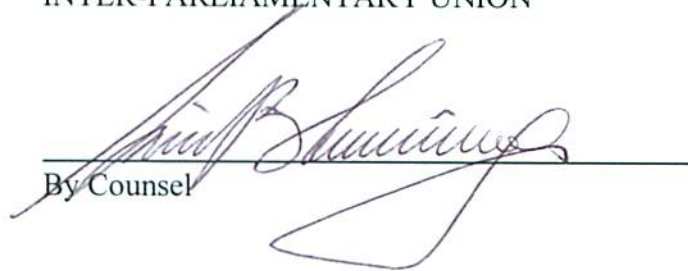
IV. Conclusion

WHEREFORE, pursuant to the inherent powers of the Court, the INTER-

PARLIAMENTARY UNION respectfully requests that this Court grant its motion and enter the proposed order filed herein, which grants it leave to file an *Amicus* brief in this matter.

Respectfully submitted,

INTER-PARLIAMENTARY UNION


By Counsel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on the 14th day of February, 2011, I hand-filed the foregoing, under seal, with the Clerk of the Court and sent a true copy of the same via e-mail to the following:

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